

# Chapter 3

## Chapter 3 Federal Depository Status

*Defines the FDLP and its purpose, identifies the different types of status for depository libraries, provides the location of depository libraries, and explains the process to designate and terminate depository status*

### What's New or Important

LSCM developed and released its guidelines for shared regional depositories in 2007. See Chapter 12 in this Handbook for more information.

### The FDLP: Definition and Purpose

Administered by the U.S. Government Printing Office (GPO), the FDLP is a network of over 1,250 libraries representing many different types of institutions (public, academic, law, judicial, state and special, court and Federal agencies). These libraries are located in almost every congressional district, the District of Columbia, U.S. territories, the Federated States of Micronesia, and the U.S. Commonwealth of Puerto Rico. GPO provides Federal depository libraries with free access to official U.S. Government information in all formats. In return these libraries agree to provide free access to that information, as well as professional assistance in finding and using that information, to any member of the public.

While many libraries request Federal depository status to benefit their primary users (students, faculty, judges, residents of a particular city or county, etc.), all libraries that receive depository status (except the highest State appellate court libraries) make a legal commitment to provide Federal Government information to all the people of their Congressional District or relevant region. The key concept of no-fee, readily available access to U.S. Government information is a guiding principle of the FDLP. The Federal Government information needs of the general public must also influence the collection development of depository libraries.

## A Brief History of the FDLP

The FDLP traces its roots to the early 1800's when a joint resolution of Congress directed that additional copies of the House and Senate Journals and other documents be printed and distributed to institutions outside the Federal establishment. It was not until 1962 that such modern hallmarks as regional and selective library distinctions, and the selectives' ability to discard materials after 5 years, were added. The current parameters of the FDLP are defined by the Depository Library Act of 1962 and the Government Printing Office Electronic Information Access Enhancement Act of 1993, both codified in [United States Code, Title 44, Chapters 19](http://www.gpoaccess.gov/uscode/index.html) (<http://www.gpoaccess.gov/uscode/index.html>) and [41](http://www.gpoaccess.gov/uscode/index.html) (<http://www.gpoaccess.gov/uscode/index.html>) respectively.

## The Types and Status of Federal Depository Libraries

Your library may be designated as either a regional or selective depository with a status of either active or probationary.

If your library is a regional depository, it has agreed to receive all publications made available to depositories and to retain those items in perpetuity (with some exceptions). U.S. Senators may designate libraries in their state as regional depositories. Each state may have two regional depositories, though most have only one and a few states are served by regional depositories in neighboring states. Regional depositories are located at flagship, publicly supported universities as well as at public libraries and State libraries. In addition to selection and retention requirements, regional depositories serve as liaisons between the selective libraries in the state (or region) and LSCM. Regional depositories also provide consultation, coordinate planning, review publication disposal lists, and offer other services to selective depositories in their regions. The statutory authorization for regional depositories is found in [United States Code, Title 44, Chapter 19, §1912](http://www.gpoaccess.gov/uscode/index.html) (<http://www.gpoaccess.gov/uscode/index.html>).

If your library is a selective depository, you have the option of tailoring the collection to fit the needs of your community, which includes the library's primary users as well as the general public. This is achieved by selecting suitable materials to receive from LSCM, by retaining materials for at least 5 years or substituting them for online equivalents, and by retaining materials beyond the required 5 years as appropriate. Two selective depositories may be designated within each congressional district, although at any given time there may be more than two in some districts because of redistricting. In addition, each U.S. Senator can designate two depositories in their state providing there is an opening in that Senator's class. The number of selective depositories in a congressional district can also be augmented by designations for certain types of libraries allowed by special provisions in Title 44.

Active depositories are those in good standing with LSCM. They are compliant with the legal requirements for depository operation as stated in Title 44 and in chapter 2

of this Handbook.

Probationary depositories are those libraries that LSCM has determined to be noncompliant with the legal requirements for depository operation as stated in Title 44 and in chapter 2 of this Handbook.

## Where We Are Located

Federal depository libraries are located in every state, the District of Columbia, the Commonwealth of Puerto Rico, the Federated States of Micronesia, and in U.S. territories. Depository libraries include all sizes of academic libraries (both publicly and privately funded), public libraries, law libraries, Federal agency libraries, and State libraries. **Whether publicly or privately funded, all depository libraries (except the highest State appellate court libraries) MUST allow the public free access to all Federal depository information products, regardless of format, without impediment.**

There are several ways to find a depository library in your community or state. Use the [Federal Depository Library Directory](http://catalog.gpo.gov/fdlpdir/login.jsp) (<http://catalog.gpo.gov/fdlpdir/login.jsp>). This directory identifies all depository libraries in the program, provides contact information for each library, and describes the origin of each library's designation status.

Click here if you want to [Find the Regional Depository Library that serves your state](http://catalog.gpo.gov/fdlpdir/public.jsp) (<http://catalog.gpo.gov/fdlpdir/public.jsp>).

## Designation of Depositories and the Termination of Status

### Designation of a Library as a Federal Depository

Under United States Code, Title 44, there are a number of ways in which your library may have become a depository library. Members of Congress (Representatives and Senators) may each designate up to two libraries to fill depository vacancies in a congressional district (Representatives) or state (Senators). For those districts where vacancies exist, [United States Code, Title 44, Chapter 19, §1905](http://www.gpoaccess.gov/uscode/index.html) (<http://www.gpoaccess.gov/uscode/index.html>) dictates that the process begins when the library desiring depository status submits a written justification of the need for an additional depository to the Representative or Senator who will consider the appointment. This justification may be accompanied by letters of support from other depository libraries in the congressional district or the head of the library authority of the state in which the depository will be housed. The justification and accompanying letter(s) of support are forwarded to the Superintendent of Documents by the Representative or Senator. For a complete description of the designation process, as well as sample letters and forms that can be used as models during the designation process, consult the [Designation Handbook for Federal Depository Libraries](http://www.fdlp.gov/repository/about-the-fdlp/designation-handbook-for-federal-) (<http://www.fdlp.gov/repository/about-the-fdlp/designation-handbook-for-federal->

depository-libraries/download.html). The Designation Handbook also contains information on designating depositories outside of the continental U.S., Alaska and Hawaii (that is, depositories for U.S. territories in the Caribbean and Pacific Islands).

Your library may have been designated a depository by certain government officials who "by law" can designate specific types of libraries as depositories. For instance, the Public Printer designates:

- State libraries, libraries of land-grant colleges ([44 USC 1906](#) <http://www.gpoaccess.gov/uscode/index.html>),
- Libraries of a state's highest appellate court ([44 USC 1915](#) <http://www.gpoaccess.gov/uscode/index.html>), and
- Accredited law school libraries ([44 USC 1916](#) <http://www.gpoaccess.gov/uscode/index.html>).

Although most of the libraries in the FDLP are designated by members of Congress, some depository libraries have been designated depositories by a special act of Congress, such as the American Antiquarian Society.

The Superintendent of Documents, by-law, can designate depositories. For instance, the Superintendent of Documents designates:

- Federal agency libraries ([44 USC 1907](#) <http://www.gpoaccess.gov/uscode/index.html>),
- Military service academy libraries ([44 USC 1907](#) <http://www.gpoaccess.gov/uscode/index.html>), and
- Federal independent agency libraries ([44 USC 1907](#) [http://www.access.gpo.gov/su\\_docs/fdlp/pubs/title44#1907](http://www.access.gpo.gov/su_docs/fdlp/pubs/title44#1907)).

Regardless of how your library was designated, the FDLP is administered by the Office of the Superintendent of Documents. Email the Superintendent of Documents ([SuDocs@gpo.gov](mailto:SuDocs@gpo.gov)) for assistance with designations.

## Termination or Relinquishment of Federal Depository Status

Your library may voluntarily terminate (relinquish) its participation in the FDLP. A depository library seeking to terminate status MUST mail a letter to that effect to the [Superintendent of Documents](#) ([http://www.access.gpo.gov/su\\_docs/fdlp/tools/contacts.html](http://www.access.gpo.gov/su_docs/fdlp/tools/contacts.html)). The regional depository serving the relinquishing library MUST also be notified in writing of the desire to relinquish depository status. When relinquishing status, your library should also notify the appropriate member of Congress in whose district or state your depository is located.

Additionally, the Superintendent of Documents may officially terminate depository status when a library fails to meet the legal requirements of the FDLP including free public access, proper maintenance of the collection, and services in the use of government information ([44 USC 1909](#) <http://www.gpoaccess.gov/uscode/index.html>).

Upon termination of depository status, either by request (voluntarily) or for cause (involuntarily), the library SHALL request instructions from its regional depository concerning disposition of the depository publications still in the collection. All materials distributed through the depository library program remain the property of the U.S. Government Printing Office. The regional library has the authority to claim whatever it wishes for its own collection or for the collections of other selective depositories within the state or region.

If the terminating library wishes to keep certain publications that were received under the FDLP, it may request to retain them by submitting to the regional library a list of the depository publications it wishes to keep. A written request for permanent retention of the materials should accompany such a list. Each request will be reviewed on an individual basis, and the regional depository will advise the relinquishing depository of its retention decision. The regional librarian will also provide instructions to the depository relinquishing status as to disposition of all depository materials, including instructions for the transfer of depository materials to other depository collections, if applicable.

### Tips, Practical Advice, and Lessons Learned

- The description of the designation process in this chapter is a brief summary. Be sure to consult the [Designation Handbook for Federal Depository Libraries](#) (<http://www.fdlp.gov/repository/about-the-fdlp/designation-handbook-for-federal-depository-libraries/download.html>) for a complete description of the designation process. This handbook contains useful tips, as well as templates for letters and application forms. Because of its practical step-by-step advice, this handbook can save libraries seeking designation a great deal of time.
- If your depository library experiences problems, or if your library administrator starts to question the value of the depository program, you should immediately contact your [regional depository](#) ([http://www.access.gpo.gov/su\\_docs/fdlp/pubs/regionals-060707.pdf](http://www.access.gpo.gov/su_docs/fdlp/pubs/regionals-060707.pdf)) and LSCM. Regional coordinators can offer advice, clear up misunderstandings, make site visits, talk to library administrators, and, if not done already, enlist the help of LSCM.
- If you are told that your administration is re-evaluating depository participation, do not wait until a final decision is made before contacting your regional depository coordinator and LSCM.

- For further information regarding designations and terminations, contact [askGPO](http://www.gpoaccess.gov/help/index.html) (<http://www.gpoaccess.gov/help/index.html>) to be directed to LSCM staff for assistance with designations or relinquishments.

### Did you realize that you don't have to ...?

- Select a rigid, predetermined percentage of item numbers, in order to retain depository status. Selective depositories should collect only the materials they need in order to adequately meet the needs of their patrons.
- Devote hundreds of linear feet of shelf space to house a physical collection, in order to apply for depository status. For details on transitioning depository collections, see chapter 13 in this Handbook.
- Think about terminating depository status because you need more shelf space than you currently have or because your depository coordinator suddenly resigned and will not be replaced. There is a significant loss of expertise to the library as well as the FDLP when a depository library or depository coordinator leaves the program. Don't make a hasty long-term decision that cannot be reversed, especially when confronted with a temporary problem. As for reducing shelf space requirements, have you considered transitioning the depository collection to select more electronic items and less tangible items? See chapter 13 in this Handbook for details on transitioning depository collections.

### Important for Library Administrators

- In today's increasingly electronic library environment, the depository program is as much about access and expertise as it is about tangible publications. **Federal depository libraries MUST provide free public access to depository materials in all formats.**
- Free public access does not mean a depository must grant *circulation* privileges to groups outside of the library's primary user community, although they may choose to do so.
- Free public access need not equal free printing or copying if your library users must pay for printing and copying of other library materials or resources.
- Free access does not necessarily mean access at all times.
- GPO permits various actions by administrators to ensure the security of their facility and personnel. Such actions may include asking users for identification, or asking users to sign a guest register, and even escorting users to the depository library.
- Even though most Federal Government information is now freely available on the World Wide Web, accessing it efficiently can be a daunting task if one depends

solely on Internet search engines. Much information is in the “deep Web” and in statistical databases. Depository status ensures that a library has access to the training and support that will become increasingly important to navigate the complexities of Federal Government information sources. See details on the number of opportunities for training all staff in depository libraries listed in chapter 4 of this Handbook.